

## **UTAH RADIATION CONTROL BOARD**

**MINUTES OF THE UTAH RADIATION CONTROL BOARD MEETING, August 1, 2003,  
Department of Environmental Quality (Bldg. #2), Conf. Room 101, 168 North 1950 West, Salt  
Lake City, Utah.**

### **BOARD MEMBERS PRESENT**

Karen S. Langley, M.S., Chair  
Stephen T. Nelson, Ph.D., Vice Chair  
Dianne R. Nielson, Ph.D., Executive Director of DEQ  
William J. Sinclair, M.S.E.H., Executive Secretary  
Kent J. Bradford, P.G.  
Thomas K. Chism, M.S.  
Gary L. Edwards, M.S.  
Rod O. Julander, Ph.D.  
Linda M. Kruse, M.S.  
Gregory G. Oman, D.D.S., B.S.  
Robert S. Pattison, B.Sc.  
John W. Thomson, M.D.  
Gene D. White, Commissioner

### **BOARD MEMBERS ABSENT/EXCUSED**

-None-

### **DRC STAFF/OTHER DEQ MEMBERS PRESENT**

Dane Finerfrock, DRC Staff  
Gwyn Galloway, DRC Staff  
Loren Morton, DRC Staff  
Raymond Nelson, DRC Staff  
Yoli Shropshire, DRC Staff  
Fred Nelson, Attorney General's Office

### **PUBLIC**

Sarah Fields, Sierra Club, Grand Canyon Group  
Ron Hochstein, IUC (USA), President  
John Weisheit, Sierra Club

## **GREETINGS/MEETING CALLED TO ORDER**

The Utah Radiation Control Board convened in the DEQ Building #2, Room 101, 168 North 1950 West, in Salt Lake City, Utah. Karen Langley, Chair of the Board, called the meeting to order at 2:05 p.m. Karen welcomed all members and public attending the meeting. She stated to those present that if they wished to address any items on the agenda to indicate it on the public sheet as they signed-in. Those desiring to comment would be given a chance to address their concerns before the end of the Board Meeting.

### **I. APPROVAL OF MINUTES (Board action item)**

#### **a. Approval of June 6, 2003 Minutes**

Rod Julander made a motion to approve the minutes of June 6, 2003, seconded by Stephen Nelson.

**CARRIED AND APPROVED UNANIMOUSLY**

### **II. RULES (Board action items)**

#### **a. Proposed changes to R313-15-208, "Dose to Embryo/Fetus" and R313-15-301, "Dose Limits for Individual Members of the Public" – final approval**

Gwyn Galloway informed those present that at the June 6, 2003 Board meeting, two rules were proposed for public comment that needed to be modified to meet the compatibility requirements of the U.S. Nuclear Regulatory Commission (NRC). The two rules were:

1. R313-15-208. "Dose to an Embryo/Fetus."
2. R313-15-301. "Dose Limits for Individual Members of the Public."

A comment period opened July 1, 2003 with publication of a notice in the Salt Lake Tribune and The Deseret Morning News. Copies of the proposed rule changes were included in the packet. During the public comment period, which ended on July 31, 2003, no written comments were received.

#### **Executive Secretary Recommendation**

The Executive Secretary recommended that the Board give final approval of the proposed changes to the Utah Radiation Control Rules and set the effective date as August 8, 2003.

Gene White made a motion to give final approval to the rules with an effective date of August 8, 2003, seconded by Rod O. Julander.

**CARRIED AND APPROVED UNANIMOUSLY**

**b. Proposed changes to R3123-26, "Generator Site Access" – Final approval**

Edith Barker reported that there were some changes proposed to the Generator Site Access rules, that were first promulgated in 2001, discussed at the May 2, 2003 Board meeting. The changes included elimination of the definition of broker and replacement of the broker definition with terminology used in 10 CFR Part 20 relating to waste collector and waste processor. It is also proposed that the requirements for DRC to receive a copy of the manifest prior to the shipment be eliminated and be given upon demand by the Executive Secretary. The 30-day comment period on the rule changes commenced on June 1, 2003, with publication of a notice in the Salt Lake Tribune and The Deseret Morning News. No written comments were received during the comment period.

**Executive Secretary Recommendation**

The Executive Secretary recommended that the Board give final approval to the proposed changes to the Utah Radiation Control Rules with the effective date as August 8, 2003.

Kent Bradford made the motion that the Board give final approval and make the effective date as August 8, 2003, seconded by Gary Edwards.

**CARRIED AND APPROVED UNANIMOUSLY**

**III. RADIOACTIVE MATERIAL LICENSING/INSPECTION (Board information item)**

**a. Preliminary results of NRC program review**

Bill Sinclair reported that enclosed in the Board packet is a one-page summary of the preliminary results of the program review just recently conducted by the Nuclear Regulatory Commission. Also included was a copy of the draft report mailed to the Division on July 24, 2003. The summary provided was from notes taken at the out briefing by the review team. The team, in the draft report, had three recommendations (see page 15) that included training and training record updates for the low-level waste section, and appropriate documentation of annual supervisory accompaniments for the low-level waste program. The three good practices identified in the summary sheet are listed in the draft report which include flagging of reciprocity inspections, modular inspections by the low-level waste staff, and incorporation of a site security plan into the Envirocare license. Overall, the findings for both the radioactive materials program and the low-level waste program were adequate and compatible. Bill complimented the hard work of many of the DRC staff that prepared for and helped during the program review.

**IV. X-RAY REGISTRATION/INSPECTION (Board information item)**

**a. X-Ray Registration/Inspection fees discussion before the Board at the September 5, 2003**

Craig Jones informed the Board that this item would be discussed in further detail at the upcoming September 5, 2003 Board Meeting, which involves X-Ray Registration/Inspection fees. Craig said that it is not common to give the Board

advance notification of an item that is to be on a future Board agenda. He said that in this particular case, the DRC wanted to assure that Board members had sufficient time to take information back to interested or impacted stakeholders. Information will be sent in the next week or so to Board members to obtain some feedback and gain some perspectives from stakeholders that DRC should consider.

Craig updated the Board on some background information. This involved a newspaper article this morning in The Deseret Morning News, which was written by Amy Jo Bryson reporting on Governor Leavitt's optimism about a rebound in Utah's economy. Amy noted in her article that over the past two fiscal years more than \$700 million dollars has been cut in State spending.

During this last legislative session, Dr. Nielson was asked by the Transportation, National Guard, and Environmental Quality Legislative Appropriations Subcommittee to cut approximately \$250,000 of general funds monies from the Department budget for the upcoming fiscal year starting July 1, 2003.

Options were discussed with the Appropriations Subcommittee on how the Department might cut programs or services that amounted to this amount of money. One option was to discontinue some air monitoring services. Another option was to curtail certain x-ray inspection services that would result in elimination of three full-time employees in the Division of Radiation Control.

After consideration of these options a decision was made to eliminate some of the air monitoring services. Dr. Nielson was asked by the Subcommittee chairs to collect information regarding the impact if the X-Ray Program was funded at 100 percent by an increase in the current fees for registration and inspection. The information collected will be discussed in more detail at the September Board Meeting. Craig said that he would be providing the Board members with information regarding present cost recovery by fees and how this could be enhanced to provide either a full 100 percent or close to 100 percent funding option by potential increases in fees. The information that stakeholders can share with the agency about impacts or philosophy in terms of use of general funds monies versus fees paid by the service providers would be helpful to the Department.

Dr. Nielson stated that fees increases are a real possibility for the Department because the reduction of air monitoring is only a one-time reduction. At this point there is no indication that the \$250,000 in General Funds will come back in the next fiscal year budget. As Craig indicated, the Legislature asked us to look at what would happen if we were to replace general funds with fees in the Radiation Control Program. We want to have the discussion now rather than in January so we can consider options and because Board members have experience in this area that can be shared with the Division and the Department.

Rod Julander asked if Craig had a ballpark figure as to how much the registration fee on each machine would have to be increased to fund the program at or near 100% cost recovery. Craig stated that right now the Division is recovering approximately 50 percent of the cost that it takes to run the X-Ray Program. To get to 100 cost recovery, it would

necessitate increasing the registration fee by \$20 per machine. There are also separate fees that are assessed for inspections that are preformed.

Karen Langley asked if adjustments would also be made to the inspection fees. Craig responded that there were several options to be discussed before the Board to evaluate where the most revenue could be generated. Bill Sinclair responded that part of the information package that Craig would be providing for the Board members would list these different options and show what can be recovered percentage-wise. Craig reported that there has not been an increase in the inspection fees since 1983, but there was an increase last fiscal year to the registration fee. The Division and Department are soliciting this input because they want to be sensitive to business impacts.

## **V. RADIOACTIVE WASTE DISPOSAL**

### **a. Summary of Hazardous Waste Regulation and Tax Policy Legislative Task Force Meetings of June 17 and July 17, 2003**

Bill reported that since the last Board meeting, the Task Force had toured Envirocare and the Clean Harbors facilities. A public meeting was held in conjunction with the Envirocare tour in Tooele. The task force is gathering information in association with the public meetings and the tours. Information being provided by DEQ is available on the DEQ homepage under "Issues to Watch." The next significant event will be public meetings in Price and Blanding in conjunction with tours of East Carbon Development Corporation and International Uranium. This will occur on September 18 and 19, 2003.

Information on the task force including agendas, meeting minutes, and materials distributed can be found at:

<http://www.le.state.ut.us/asp/interim/Commit.asp?Year=2003&Com=TSKHWR>

### **b. Cedar Mountain Environmental siting application update**

Dane Finerfrock reminded Board members in mid-January 2003, a company named Cedar Mountain Environmental (CME) submitted the first part of an application (the siting application) for a new commercial radioactive waste disposal facility in Tooele County. The proposed location was immediately north of the current Envirocare facility. The review of that siting application was out sourced to DRC consultants, URS Corporation on March 25, 2003. To date, CME has satisfactory resolved 31 out of 38 required siting criteria. Those criteria are found in R313-25-3 of the Utah Radiation Control Rules.

Three weeks ago CME indicated that they would be submitting the reminder of the responses to interrogatories within a few weeks. It is expected that these responses will be received any time.

Gene White asked why are we going through all of this with doubts that CME may not get all the necessary approvals. Dr. Nielson responded that when a new facility submits an application to DEQ, the Division is required to initiate the processing, but the Legislative/Gubernatorial approval comes at the end of the process. The only way that

could be changed would be to modify the existing statute.

Bill Sinclair responded that as recently as the Board's review of the Envirocare B and C license, DRC was asked to evaluate the current siting criteria rules. The review was completed, changes were made, and the new rules are now in effect. One of those rules requires that an applicant provide evidence that the property is either owned by a State or Federal entity. As part of this siting application for CME, one of the criteria that will have to be satisfied is to show that they can meet the ownership requirement or they will have to come before this Board to request an exemption such as Envirocare did with the B and C waste application. This will be sooner rather than later. Bill stated that in all pre-application discussions, he encourages new applicants to talk to the county before they submit an application to DRC, but there is nothing to preclude them from submitting both simultaneously.

**c. Minor amendment (license amendment #17) – Envirocare of Utah, Inc.**

Dane Finerfrock stated that on July 9, 2003, the Executive Secretary signed the Amendment 17 to the Envirocare Radioactive Material License. This amendment consisted of the following changes to the license:

1. Revision of License Condition #9.H. It was changed to permit Envirocare to own and use a shipping cask for training purposes.
2. License Condition #11 was changed to allow Envirocare to open additional disposal cell capacity.
3. License Condition #13.K. was found to be unnecessary and redundant, so it was eliminated.
4. License Condition #22 was amended to required weekly contamination surveys at the Mixed-Wasted Operations. This was a housekeeping change to a license condition. They had been doing the surveys, but DRC wanted to clarify it in the License.
5. License Conditions 31 A and 32, staffing qualifications and terminology in the Envirocare Organizational Plan was modified.

**VI. URANIUM MILL TAILINGS UPDATE (Board information items)**

**a. Summary of Moab Millsite Stakeholder's Group meeting of May 29, 2003 and Moab Millsite update**

Bill Sinclair updated the Board as follows:

Date	Activity/Description
<b>Moab Uranium Mill Tailings Project, Near Moab, Utah</b>	
<i>Past Activities</i>	
June 10, 2003	<p>DEQ staff conducted a field visit of several possible drill sites along the northern margin of the Matheson Nature Preserve (Preserve), with Dr. Kip Solomon (University of Utah Department of Geology/Geophysics), and Mr. Damian Fagan (The Nature Conservancy or TNC). Objective of the drilling program is to determine if groundwater contamination from the Moab Tailings Pile has migrated under the Colorado River to impact Preserve lands. If such excursions exist the Moab Tailings groundwater plume would be unbounded or undefined by the DOE, and additional points of exposure to the public and the environment would need to be considered in the DOE remediation plan for the facility. During the field visit, three sites were identified for possible study. All are found inside the Preserve on land owned by the Utah Division of Wildlife, and managed by TNC.</p> <p>Field meetings held this day outlined a 3-way partnership, as follows:</p> <ol style="list-style-type: none"> <li>1) DEQ - to secure drilling contractor and funding for studies,</li> <li>2) Dr. Kip Solomon (University of Utah Department of Geology / Geophysics) – to provide geologic logging of boreholes, supervision of well completion and well development, geochemical /isotopic groundwater sampling and analysis, and consulting services.</li> <li>3) TNC - to provide access to drill sites and clear brush along dirt access road and at each drill site.</li> </ol>
July 1, 2003	EPA, Region 8 finds \$30,000 in Superfund grant money to support DEQ drilling project in Preserve.
July 11, 2003	DEQ contracts with Boart Longyear to perform Rotosonic drilling program in Preserve (about \$42,000). Drilling program entails three (3) 8-inch diameter borings installed to a depth of about 150 feet each. Inside each boring, three (3) 2-inch piezometers will be installed at depths of about 60, 100, and 150 feet; for a total of nine (9) new piezometers.
July 21, 2003	<p>DEQ enters into a contract with the University of Utah for the services of Dr. Kip Solomon (about \$ 25,000). As a result, the total project cost is about \$67,000, of which an EPA grant will pay about 45%. Remainder of costs to be paid by Atlas Bankruptcy Trust funds held by DEQ. Studies to be conducted include groundwater sampling and analysis of the nine (9) new deep piezometers to be drilled by Boart Longyear, 10 selected and existing DOE wells at the Moab Tailings site, and 25 existing shallow wells inside the Preserve. Dr. Solomon will conduct geochemical and isotopic sampling and analysis with the following objectives:</p> <ol style="list-style-type: none"> <li>1. Uranium, Ammonia, Chloride, and Sulfate –to measure concentrations and relative distribution of these key indicators of tailings effluent in groundwater,</li> <li>2. Oxygen-18 / Deuterium, and Noble Gases (He-3 and He-4) – to better understand genesis of groundwater chemistry, including elevation of recharge and degree of evaporation,</li> <li>3. Nitrogen-15 – to establish an isotopic fingerprint between groundwater polluted by tailings effluent and natural or biologic sources of ammonia/nitrate/nitrite in groundwater,</li> <li>4. Tritium and Noble Gases (He-3 and He-4) – to age date groundwater found both near the Moab Tailings site and under the Preserve.</li> </ol>
July 28, 2003	Boart Longyear begins drilling in Preserve. Drilling to be done in 7-days or less.
<b><u>Future Activities</u></b>	
October 1, 2003	DEQ to receive draft DOE EIS for Moab Tailings. DEQ comments due back to DOE on October 21.
October 15, 2003	Project report from Dr. Solomon is due to DEQ on this date. Data collected will be passed onto DOE in DEQ comments due October 21.

**b. Scheduling of request by Sarah Fields of July 28, 2003 for Board action regarding policy guidance for uranium mills**

Karen Langley, Chair, informed the Board that there was a request by Sarah Fields, Sierra Club, in regards to a requested action item to be brought before the Board regarding policy guidance for uranium mills.

Karen said that the Board would schedule this item for the September 5, 2003 Board Meeting. Board members have material in the Board packet that will be the basis of the action request. Karen said that she wanted to make sure that the Board had sufficient information as they work through this process. Sarah Fields, who made the request, concurred with the September 5, 2003 Board meeting to discuss the matter before the Board.

Karen indicated that she would allocate 15 minutes for Sarah Fields to summarize the information provided to the Board in her request for action. She also has asked Bill Sinclair to present information on the Amended Agreement process so that the Board may understand the process as well. Sarah asked if it would be possible for others who had interest in this issue to have the opportunity to provide comments in support of Sarah's position. It was determined that this would be allowed but comments would have to be submitted by August 15, 2003, before this issue is considered by the Board.

Ron Hochstein, President of IUC (USA), requested that IUC also be given an opportunity to present information to the Board concerning the Board action requested by Sarah Fields. Ron indicated that IUC had seen some of the documentation submitted and felt IUC could shed some light on some of the information. A large number of issues that have been raised have already been handled in the NRC license amendment procedures on the alternate feed materials that IUC receives at present. Ron indicated that IUC has been working under the alternate feed guidance in question and is also working with the State on the amended Agreement State status. He requested that IUC also have the opportunity for a five to ten minute presentation.

Karen Langley, Chair, suggested that all presenters would be limited to fifteen minutes, unless this creates too long of a period of time for the Board. She indicated that the Board needs the time to hear what Sarah Fields has to say, for Bill Sinclair to educate the Board on the amended Agreement process, and for Ron Hochstein, of IUC (USA), to provide the IUC perspective. She suggested that in order to have adequate time for this action, the Board would commence the meeting at 1:00 p.m. so there will be adequate time to discuss this and other issues. Bill Sinclair informed the Board Members that the Board action that Sarah Fields was requesting was in the Supplemental Board packet and requested Board members to refer to this prior to the next meeting.



**c. USM Ore program – presentation by International Uranium Inc. (USA)**

Ron Hochstein, President of IUC (USA), made a Powerpoint presentation to Board regarding the USM Ore program. This presentation is attached to the minutes as Attachment A.

**VII. OTHER DEPARTMENT ISSUES (Board information items)**

**a. Resignation of Royal Hansen from the Board**

Bill Sinclair indicated that in the Board packet is a letter of resignation from Royal Hansen. As indicated in the letter, Royal has been appointed to a judgeship. Efforts are underway to fill Royal's now vacant position as representative of the general public.

**b. Update on Division Director/Executive Secretary recruitment – Dianne R. Nielson**

Dr. Nielson commented that everyone was aware that Bill Sinclair had accepted the position of Deputy Director for the Department of Environmental Quality (DEQ). Craig Jones has accepted the position of Acting Director for the Division of Radiation Control. Dianne said that she was thrilled that Craig Jones had been willing to accept this interim appointment until she can complete recruitment for a new Division Director. This recruitment can begin hopefully within the week and will be open to candidates within the Division of Radiation Control and DEQ, within the State of Utah, and outside the State of Utah. It will be an open advertisement and recruitment.

In the state statutes it states that the choice of the Division Director is a responsibility of the Executive Director of the Department. The choice for the Executive Secretary of the Board is a decision that the Board makes based on the recommendation that the Executive Director of the Department brings to the Board. Dr. Nielson indicated that in the past she always has ensured that the individual being chosen as the Division Director is also acceptable to the Board as the Executive Secretary. There are some real benefits to keeping those two positions together in terms of the everyday operation of the Division within DEQ.

Dr. Nielson requested that for this interim period the Board consider a different model particularly since this option is in statute. Bill Sinclair is currently the Executive Secretary. It would greatly assist both the Division and the Department if the Board would allow Bill Sinclair to continue his service as the Executive Secretary until a new Division Director/Executive Secretary can be named.

Dr. Nielson pointed out that in the interim it seems to be an efficient way to keep business going in terms of the work required of the Executive Secretary and gives Craig Jones the time to be able to focus on the administrative management of the day to day operations of the Division. She requested a concurrence among the Board members to continue the process described during this interim of period of time until a new Division Director is selected.

Karen Langley, Chair, responded with input from the Board members present that the Board concurs.

Dr. Nielson then requested assistance from any interested Board members regarding the ranking and interviewing of potential candidates for the position of Division Director/Executive Secretary. She described the process and the commitment of time necessary to complete the interview process. She then solicited interest from Board members. Following the request, the following Board members volunteered to help Dianne with the interview process: Karen Langley, Kent Bradford, Stephen Nelson, and Rod Julander.

## **VII. PUBLIC COMMENT**

Karen Langley indicated that three individuals had signed up to speak before the Board during the public comment section. Two of the individuals; Sarah Fields and Ron Hochstein, had already addressed the Board. The only one remaining on the list was John Weisheit. John Weisheit, Sierra Club, stated that his questions had been answered and he did not have to address the Board.

## **IX. OTHER ISSUES**

- a. Next Board Meeting – September 5, 2003, Department of Environmental Quality (Bldg #2), 168 North 1950 West, Conference Room 101, Salt Lake City, Utah, 1:00 – 4:00 PM**

Earlier, the Board had decided to begin the September 5, 2003 meeting at 1:00 p.m. The Board also decided that the October 3, 2003 meeting will be held in Moab, Utah.

The Board meeting adjourned at 4:05 p.m.